

FAX TRANSMISSION

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TO: Surrogates' Court of the State of NY
Attn: Clerk of the Miscellaneous Dept.

Date: January 17, 2012

FACSIMILE: 212-748-5971

Pages: 8, page(s), including this
cover sheet.

FROM: Mitchell L. Kaplan, Esq..

RE: In the Matter of the Application of ORLY Genger, as a person interested, for the removal of DALIA Genger, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(1) **File No. 0017/2008**

In the Matter of the Application for a Compulsory Accounting and Related Relief
by ORLY Genger, as a person interested in the Orly Genger 1993 Trust
File No. 0017/2008/A

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COUNSELORS AT LAW

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If checked, reply to
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January 17, 2013

VIA FACSIMILE ONLY

212-748-5971

Surrogate's Court of the State of New York
County of New York
31 Chambers Street
New York, NY 10007

Attention: Clerk of the Miscellaneous Department

Re: In the Matter of the Application of ORLY GENGER, as a person interested,
for the removal of DALIA GENGER, as Trustee of the Orly Genger 1993 Trust
pursuant to SCPA § 711(11)
File No. 0017/2008

In the Matter of the Application for a Compulsory Accounting and Related Relief
by ORLY GENGER, as a person interested in the Orly Genger 1993 Trust
File No. 0017/2008/A

Dear Clerk of the Court:

This law firm is counsel to Petitioner, Orly Genger, (the "Petitioner") in both of the above-referenced proceedings.

In furtherance of my discussion yesterday with Sandra from your office, enclosed please find copies of executed Stipulations for both of the above-referenced proceedings further confirming the adjournment of both pending matters to March 1, 2013.

Clerk of the Miscellaneous Department
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January 17, 2013

Thank you for your courtesies with this matter.

Respectfully submitted,
PLATZER, SWERGOLD, KARLIN, LEVINE,
GOLDBERG & JASLOW, LLP

By: 
Mitchell L. Kaplan

MLK:wl
Enclosures
cc: Robert Meister, Esq (Counsel to Respondent, Dalia Genger) – **Via E-Mail Only** (with enclosures)

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

File No. 0017/2008

In the Matter of the Application of ORLY
GENGER, as a person interested, for the
removal of DALIA GINGER, as Trustee of the
Orly Genger 1993 Trust pursuant to SCPA § 711(11)

**STIPULATION ADJOURNING RETURN DATE OF RESPONDENT'S
MOTION TO DISMISS PETITIONER'S THIRD AMENDED PETITION TO
REMOVE DALIA GINGER AS TRUSTEE AND FOR RELATED RELIEF**

WHEREAS, Petitioner, Orly Genger ("Petitioner") having previously filed a Third Amended Petition (the "Third Amended Petition") seeking, *inter alia*, the immediate removal of respondent, Dalia Genger (the "Respondent") as Trustee of the Orly Genger 1993 Trust in the above-captioned matter; and,

WHEREAS, the Respondent having requested that the Petitioner consent to allow her additional time to respond to the Third Amended Petition and the Petitioner having consented to same pursuant to a prior stipulation entered into by and between the parties through their respective counsel; and,

WHEREAS, the Respondent having filed a Motion to Dismiss (the "Motion to Dismiss") the Third Amended Petition, which is presently returnable before the Court on January 15, 2013 (the "Return Date"); and,

WHEREAS, the Petitioner having requested additional time to submit opposition papers to the Motion to Dismiss and the Respondent having consented to same;

IT IS HEREBY STIPULATED, AGREED AND CONSENTED to by the undersigned on behalf of the respective parties as follows:

1. The Return Date is hereby adjourned on consent to March 1, 2013 at 10:00 a.m.
2. This Stipulation may be executed in two counterparts and by facsimile or E-Mail scanned signature, each of which shall be deemed an original, together which shall for all purposes constitute one Stipulation binding upon each of the parties hereto.

Dated: January 15, 2013
New York, NY

PLATZER, SWERGOLD, KARLIN, LEVINE,
GOLDBERG & JASLOW, LLP
Attorneys for Petitioner, Orly Genger

By: Ralph R. Hochberg
Ralph R. Hochberg, Esq.
Mitchell L. Kaplan, Esq.
1065 Avenue of the Americas - 18th Floor
New York, New York 10018
Tel (212) 593-3000

Dated: January 16, 2013
New York, NY

PEDOWITZ & MEISTER, LLP
Attorneys for Respondent, Dalia Genger

By: Robert Meister
Robert Meister, Esq.
570 Lexington Avenue, 18th Floor
New York, NY 10022-6837
(Tel) (212) 403-7333

STATE OF NEW YORK
SURROGATE'S COURT: COUNTY OF NEW YORK

In the Matter of the Application for a Compulsory Accounting and
Related Relief by ORLY GENGER, as a person
interested in the ORLY GENGER 1993 TRUST, X

File No. 0017/2008-A

Petitioner,
-against-

DALIA GENGER,
Respondent.

X

STIPULATION FURTHER ADJOURNING RETURN DATE OF CITATION
OF PETITION FOR A COMPULSORY ACCOUNTING
AND RELATED RELIEF UNDER SCPA § 2205

WHEREAS, the Petition for a Compulsory Accounting and Related Relief under SCPA § 2205 (the "Petition") in the above-captioned matter was filed by the petitioner, Orly Genger (the "Petitioner") with the Court on November 7, 2012; and,

WHEREAS, the Citation was issued by the Court with respect to the Petition on November 20, 2012 (the "Citation"); and,

WHEREAS, the Citation having directed the respondent, Dalia Genger (the "Respondent") to appear before the Court on December 18, 2012 at 10:00 a.m. to show cause why the relief in the Petition should not be granted; and,

WHEREAS, the Respondent's counsel having requested that Petitioner's counsel consent to his request for an adjournment of the return date of the Citation on the grounds that Respondent's counsel was engaged on trial; and,

WHEREAS, the Petitioner having consented to the adjournment pursuant to a prior stipulation entered into by and between the parties and the return date of the Citation having been adjourned on consent to January 15, 2013 (the "Return Date"); and,

WHEREAS, the Petitioner having previously filed a Third Amended Petition (the "Third Amended Petition") seeking, *inter alia*, the immediate removal of the Respondent as Trustee of the Only Genger 1993 Trust and the Respondent having filed a Motion to Dismiss (the "Motion to Dismiss") same, which is also returnable on the Return Date; and,

WHEREAS, the Petitioner having requested additional time to submit opposition papers to the Motion to Dismiss and the Respondent having consented to same and the parties would like both matters to be heard on the same date

IT IS HEREBY STIPULATED, AGREED AND CONSENTED to by the undersigned on behalf of the respective parties as follows:

1. The Return Date is hereby further adjourned on consent to March 1, 2013 at 10:00 a.m.
2. This Stipulation may be executed in two counterparts and by facsimile or E-Mail scanned signature, each of which shall be deemed an original, together which shall for all purposes constitute one Stipulation binding upon each of the parties hereto

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE]

Dated: January 15, 2013
New York, NY

PLATZER, SWERGOLD, KARLIN, LEVINE,
GOLDBERG & JASLOW, LLP
Attorneys for Petitioner, Orly Genger

By: Ralph R. Hochberg
Ralph R. Hochberg, Esq.
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Tel (212) 593-3000

Dated: January 12, 2013
New York, NY

PEDOWITZ & MEISTER, LLP
Attorneys for Respondent, Dalia Genger

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